

Applicant : Winston I. Way  
Serial No.: 10/046,139  
Filed : January 9, 2002

Attorney's Docket No.: 14723-007001

REMARKS

Applicant gratefully acknowledges the Examiner's detailed office action and the objections to the specification stated on page 2 of the office action. It is respectfully requested that the objections be held in abeyance at this time because the informalities to which the objections are directed do not affect examination of the claims on their merits. Applicant will file a proper amendment to the specification to address the objections at a later time.

The specification has been amended in the paragraph beginning at page 7, line 8 to include the statement made in the original claims 36, 37, 45 and 46. Because the original claims are part of the original specification, this amendment simply conforms one part of the specification to another part. No new matter is added.

Claims have been amended to clarify the language. Claims 5-8, 10-16 and 28-51 have been cancelled. The objections and rejections to the cancelled claims, therefore, have been obviated.

Claim 1 has been amended based on the description on page 6, lines 7-23 and page 7, lines 13-14 of the original specification for tunable optical transmitters. Claim 9 has been amended to receive the wave locker feature described at page 6, lines 7-23 of the original specification. Other claims have been amended to correct typographical errors. No new matter is added.

Claims 52-56 have been newly added and are fully supported by the original specification. No new matter is added.

All pending claims upon entry of the above claim amendments are patentable over the cited prior art on record.

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Claim 1 as amended, for example, recites using the sub-signals to control a plurality of tunable optical transmitters to produce a plurality of optical signals of different sub-wavelengths that carry the different split portions of the information, respectively. Swanson fails to disclose this specific feature.

This use of tunable optical transmitters is significant in part because environmental changes may change the laser wavelengths of optical transmitters. Such a change in the laser wavelengths are undesirable because the desired separation of different optical channels may be adversely affected. Tunable optical transmitters allow for tuning the laser wavelengths of the transmitters against such changes in wavelengths caused by the environment and other factors. See, e.g., page 6, lines 7-23 of the original specification of this application. Nothing in the cited Swanson patent discusses this issue.

Therefore, Claim 1 as amended is distinctly patentable over Swanson and other cited prior art.

Claim 53 newly added as a dependent claim specifically recites using tunable optical receivers in receiving the split optical signals. This feature is described in the original claims 36, 37, 45 and 46 and thus is fully supported. Tunable optical receivers are well known in optical communications. Hence, the original description fully complies with the enablement requirement under 35 USC 112, first paragraph. Claim 53 recites a new use of known tunable optical receivers and therefore is patentable under 35 USC 112, first paragraph. In addition, Claim 53 is patentable over all cited prior art on record.

New independent Claim 54 recites a communication system that includes tunable optical transmitters and wave lockers

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based on the description at page 6, lines 7-23 of the original specification of this application. Nothing in the cited prior art on record, either individually or collectively, suggests the claimed system in Claim 54. Hence, Claim 54 is patentable.

New independent Claim 56 is fully supported by the original specification, e.g., Figure 2 and its corresponding textual description. As admitted in the office action, Swanson fails to teach this feature. Dodds, however, is cited to show that the subcarrier modulation is known. The office action contends that the combination of Swanson and Dodds would render Claim 56 obvious under 35 USC 103(a) as stated in rejected original Claim 10 and others. Applicant respectfully traverses.

Under 35 USC 103(a), in order for the combination of two references to be proper, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. MPEP §2143. First, Applicant notes that nothing in Swanson and Dodds suggests the combination. In this regard, Applicant further notes that a single optical transmitter for producing different subcarriers as claimed, avoids the relative drift in wavelength between different subcarriers because all subcarriers produced from the same carrier drift together with the drift in the signal optical transmitter. Nothing in Swanson addresses this issue. Therefore, there is no motivation in Swanson with respect to substituting multiple optical transmitters as disclosed in Swanson with the subcarrier multiplexing in Dodds. Second, the office action does not provide any documentary evidence to show the knowledge generally available to one of ordinary skill in the art, to combine reference teachings in the manner suggested by the office action.

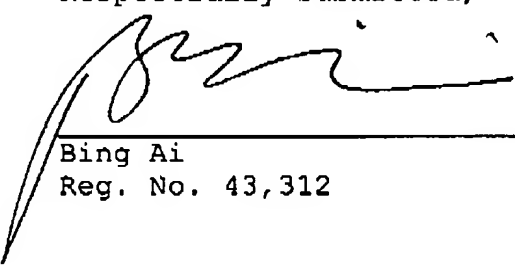
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Therefore, Claim 56 provides an alternative to the use of tunable optical transmitters as recited in amended Claim 1 and is patentable over the prior art on record.

In view of the above, Applicant asks that all pending claims be allowed. Please apply the one month extension of time fee of \$60.00, and any other applicable charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: November 14, 2005  
Bing Ai  
Reg. No. 43,312

Fish & Richardson P.C.  
PTO Customer No. 20985  
12390 El Camino Real  
San Diego, California 92130  
(858) 678-5070 telephone  
(858) 678-5099 facsimile

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